

AMENDED IN SENATE SEPTEMBER 7, 2007

AMENDED IN SENATE SEPTEMBER 6, 2007

AMENDED IN SENATE JULY 17, 2007

AMENDED IN SENATE JULY 2, 2007

AMENDED IN ASSEMBLY MARCH 29, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1058

Introduced by Assembly Members Laird and Lieu

February 23, 2007

An act to amend Sections 18909, 18917.2, 18927, and 18941.5 of, to add Sections 18914.4 and 18918.4 to, and to add Chapter 4.7 (commencing with Section 18944.50) to Part 2.5 of Division 13 of, the Health and Safety Code, relating to environmental protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 1058, as amended, Laird. Green building construction: best practices.

(1) Existing law sets forth various requirements for energy and design efficiency in the construction and renovation of state buildings.

This bill would require the Department of Housing and Community Development, by July 1, 2009, in conjunction with a specified working group of certain state entities that it would coordinate, and, in consultation with specified public and private sector organizations, to develop green building standards for residential occupancies, and submit them to the Building Standards Commission for review, adoption, approval, and publication. The bill would require that the green building

standards include measures regarding energy, water, materials and resources efficiency, indoor environmental quality, innovation and design process, nonmotorized transportation, and a method for determining life cycle cost. The department, and other specified entities, in developing and adopting the green building standards, would be required to consider certain aspects of existing relevant guidelines. The bill would require a state agency, on or before July 1, 2009, to submit to the commission for review, approval, and publication, all of the state agency's green building standards that are existing on that date and that have not been previously reviewed, approved, or adopted by the commission.

The bill would authorize the department and the commission, to the extent feasible as allowed by existing resources, to develop educational and technical assistance programs to inform local entities of the benefits of green building, and encourage the use of green building practices for residential occupancies, as well as establish specified ongoing education and training programs.

The bill would require the commission, on or before July 1, 2010, to publish approved green building standards in the California Building Standards Code, after reviewing the green building standards.

(2) The California Building Standards Law defines terms for its purposes, including "building standard," and requires the governing body of a city, county, or city and county that establishes more restrictive building standards than those in the California Building Standards Law to make specified findings.

The bill would include sustainable and green building standards in that definition of "building standard," and would define "sustainable building" and "green building" for purposes of the California Building Standards Law. The bill also would require a governing body that makes one of those findings to file with the commission a copy of the finding, together with a copy of the modified or changed language to which the finding refers.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18909 of the Health and Safety Code is
2 amended to read:

1 18909. (a) “Building standard” means any rule, regulation,
2 order, or other requirement, including any amendment or repeal
3 of that requirement, that specifically regulates, requires, or forbids
4 the method of use, properties, performance, or types of materials
5 used in the construction, alteration, improvement, repair, or
6 rehabilitation of a building, structure, factory-built housing, or
7 other improvement to real property, including fixtures therein, and
8 as determined by the commission.

9 (b) Except as provided in subdivision (d), “building standard”
10 includes architectural and design functions of a building or
11 structure, including, but not limited to, number and location of
12 doors, windows, and other openings, stress or loading
13 characteristics of materials, and methods of fabrication, clearances,
14 and other functions. “Building standard” includes sustainable and
15 green building standards.

16 (c) “Building standard” includes a regulation or rule relating to
17 the implementation or enforcement of a building standard not
18 otherwise governed by statute, but does not include the adoption
19 of procedural ordinances by a city or other public agency relating
20 to civil, administrative, or criminal procedures and remedies
21 available for enforcing code violations.

22 (d) “Building standard” does not include any safety regulations
23 that any state agency is authorized to adopt relating to the operation
24 of machinery and equipment used in manufacturing, processing,
25 or fabricating, including, but not limited to, warehousing and food
26 processing operations, but not including safety regulations relating
27 to permanent appendages, accessories, apparatus, appliances, and
28 equipment attached to the building as a part thereof, as determined
29 by the commission.

30 (e) “Building standard” does not include temporary scaffolding
31 and similar temporary safety devices and procedures that are used
32 in the erection, demolition, moving, or alteration of buildings.

33 (f) “Building standard” does not include any regulation relating
34 to the internal management of a state agency.

35 (g) “Building standard” does not include any regulation, rule,
36 order, or standard that pertains to mobilehomes, manufactured
37 homes, commercial coaches, special purpose commercial coaches,
38 or recreational vehicles.

39 (h) “Building standard” does not include any regulation, rule,
40 or order or standard that pertains to a mobilehome park, as defined

1 by Section 18214, or special occupancy park, as defined by Section
2 18862.43, except that “building standard” includes the construction
3 of permanent buildings and plumbing, electrical, and fuel gas
4 equipment and installations within permanent buildings in a
5 mobilehome park or special occupancy park. For purposes of this
6 subdivision, “permanent building” means any permanent structure
7 constructed in the mobilehome park or special occupancy park
8 that is a permanent facility under the control and ownership of the
9 park operator.

10 (i) “Building standard” does not include any regulation, rule,
11 order, or standard that pertains to mausoleums regulated under
12 Part 5 (commencing with Section 9501) of Division 8.

13 (j) “Building standard” does not include any regulation adopted
14 by the California Integrated Waste Management Board, the
15 Department of Toxic Substances Control, the Occupational Safety
16 and Health Standards Board, or the State Water Resources Control
17 Board concerning the discharge of waste to land or the treatment,
18 transfer, storage, resource recovery, disposal, or recycling of the
19 waste.

20 SEC. 2. Section 18914.4 is added to the Health and Safety
21 Code, to read:

22 18914.4. “Green building” has the same meaning as
23 “sustainable building,” as defined by Section 18918.4.

24 SEC. 3. Section 18917.2 of the Health and Safety Code is
25 amended to read:

26 18917.2. “Propose” refers, with respect to the procedure for
27 promulgation of a building standard, including a green building
28 standard, to the state agency that has the legislative authority and
29 responsibility to write proposed building standards, including green
30 building standards.

31 SEC. 4. Section 18918.4 is added to the Health and Safety
32 Code, to read:

33 18918.4. “Sustainable building” means a building designed to
34 reduce both direct and indirect environmental consequences
35 associated with its construction, use, operation, maintenance, and
36 eventual decommissioning, the design of which is evaluated for
37 cost, quality-of-life impacts, future flexibility, ease of maintenance,
38 energy and resource efficiency, and overall environmental impact,
39 with an emphasis on life cycle cost analysis.

1 SEC. 5. Section 18927 of the Health and Safety Code is
2 amended to read:

3 18927. The commission may appoint from the design
4 professions, the building and construction industry, the affected
5 general public, and interested governmental agencies, appropriate
6 advisory panels to advise the commission and its staff with respect
7 to building standards, including green building standards. The
8 persons appointed to the panels shall be specifically knowledgeable
9 and qualified in the type of work embraced by the building
10 standards, including green building standards, in question. These
11 persons shall serve without compensation, but may receive actual
12 necessary travel expenses.

13 SEC. 6. Section 18941.5 of the Health and Safety Code is
14 amended to read:

15 18941.5. (a) (1) Amendments, additions, and deletions to
16 the California Building Standards Code adopted by a city, county,
17 or city and county pursuant to this section or pursuant to Section
18 17958.7, together with all applicable portions of the California
19 Building Standards Code, shall become effective 180 days after
20 publication of the California Building Standards Code by the
21 commission, or at a later date after publication established by the
22 commission.

23 (2) The publication date established by the commission shall
24 be no earlier than the date the California Building Standards Code
25 is available for purchase by the public.

26 (b) Neither the State Building Standards Law contained in this
27 part, nor the application of building standards contained in this
28 section, shall limit the authority of a city, county, or city and county
29 to establish more restrictive building standards reasonably
30 necessary because of local climatic, geological, or topographical
31 conditions. The governing body shall make the finding required
32 by Section 17958.7 and the other requirements imposed by Section
33 17958.7 shall apply to that finding. The governing body shall file
34 with the commission a copy of the findings, together with the
35 modified or changed language, that is expressly marked and
36 identified, to which each finding refers. Nothing in this section
37 shall limit the authority of fire protection districts pursuant to
38 subdivision (a) of Section 13869.7. Except as otherwise provided
39 in this subdivision, nothing in this section shall require findings

1 required by Section 17958.7 beyond those currently required for
2 more restrictive building standards related to housing.

3 SEC. 7. Chapter 4.7 (commencing with Section 18944.50) is
4 added to Part 2.5 of Division 13 of the Health and Safety Code,
5 to read:

6
7 CHAPTER 4.7. GREEN BUILDING STANDARDS
8

9 18944.50. The Legislature finds and declares all of the
10 following:

11 (a) California is committed to providing leadership on energy,
12 environmental, and public health issues by implementing
13 innovative and resource efficient building design practices and
14 other programs that improve the lives of the state's 35,000,000
15 residents.

16 (b) Buildings account for nearly 40 percent of the carbon dioxide
17 emissions in the United States, more than any other sector.

18 (c) In 2006, the state had approximately 13,000,000 existing
19 housing units, and in 2003, construction investment in the state
20 for new residential housing totaled thirty-four billion dollars
21 (\$34,000,000,000).

22 (d) The building of a 2,000-square-foot home generates three
23 to five tons of construction waste. Cumulatively, California
24 residences use approximately 5,600,000 acre-feet of applied water
25 annually, and the residential sector accounts for roughly 31 percent
26 of the electricity consumed in the state.

27 (e) Transforming the building environment to be more energy
28 efficient and climate friendly is a vital tool in the fight against
29 global warming.

30 (f) Sustainable building practices utilize energy, water, and
31 materials efficiently throughout the building's life cycle; enhance
32 indoor air quality; improve health, comfort, and productivity;
33 incorporate environmentally preferable products, and thereby
34 substantially reduce the costs and environmental impacts associated
35 with long-term building operations, without compromising building
36 performance or the needs of future generations.

37 (g) The widespread implementation of sustainable building
38 standards would result in significant long-term benefits to the
39 California environment, including reduction of runoff of water
40 pollutants to surface water and groundwater sources, and reduction

1 in the demand for energy, water, and sewage treatment services,
2 as well as the fiscal and environmental impacts resulting from the
3 expansion of these infrastructures.

4 (h) A United Nations' study showed that better architecture and
5 energy savings in buildings could do more to fight global warming
6 than all the curbs on greenhouse gases agreed to under the United
7 Nations' Kyoto Protocol.

8 (i) In-depth studies of projects to analyze the cost of sustainable
9 buildings, using detailed cost estimates, demonstrate that there
10 may be no significant difference in the construction costs for the
11 United States Green Building Council's Leadership in Energy and
12 Environmental Design (LEED) buildings versus non-LEED
13 buildings in any of the categories.

14 (j) A building's energy, water, and waste disposal costs are
15 computed over a 25-year period, or for the life of the building, and
16 can exceed the cost of design and construction.

17 18944.52. It is the intent of the Legislature, in enacting this
18 chapter, to recognize that no one set of existing sustainable building
19 practices may encompass the state's unique economic and natural
20 resources-related environment. It is further the intent of the
21 Legislature to ensure that the building standards adopted pursuant
22 to this chapter recognize California's leadership in environmental
23 sustainability practices by including appropriately rigorous
24 measures and methods, and to ensure that the costs do not
25 unreasonably or unnecessarily impact the ability of Californians
26 to purchase or rent affordable housing based on the overall benefit
27 derived, while addressing the factors specified in subdivision (b)
28 of Section 18944.56.

29 18944.54. (a) Before state agencies may develop green
30 building standards, they shall have the authority and program
31 expertise to do so.

32 (b) On or before July 1, 2009, a state agency shall submit to the
33 commission for review, approval, and publication, all of the state
34 agency's green building standards that are existing on that date
35 and that have not been previously reviewed, approved, or adopted
36 by the commission.

37 18944.56. (a) On or before July 1, 2009, the Department of
38 Housing and Community Development shall develop green
39 building standards for residential occupancies and submit them to
40 the commission for review, adoption, approval, and publication.

1 (b) The green building standards developed pursuant to this
2 section shall include, but not be limited to, all of the following:

3 (1) Energy efficiency, conservation, or renewable generation
4 measures.

5 (2) Water efficiency, conservation, and reuse measures.

6 (3) Materials and resources efficiency, conservation, and reuse
7 measures.

8 (4) Indoor environmental quality measures, including indoor
9 air quality.

10 (5) Innovation and design process.

11 (6) Nonmotorized or public transportation.

12 (7) A method for determining life-cycle cost, including
13 evaluating the relative effectiveness, cost, and life-cycle savings,
14 if any, by the use of the individual or multiple green building
15 measures specified in paragraphs (1) to (6), inclusive.

16 (c) To develop the green building standards pursuant to this
17 section, the Department of Housing and Community Development
18 shall coordinate a working group consisting of a multiagency effort,
19 including, but not limited to, all of the following state entities:

20 (1) The California Environmental Protection Agency.

21 (2) The California Integrated Waste Management Board.

22 (3) The State Energy Resources Conservation and Development
23 Commission.

24 (4) The State Air Resources Board.

25 (5) The Department of Water Resources.

26 (6) The Department of Housing and Community Development.

27 (7) The Department of General Services.

28 (8) The commission.

29 (9) The Office of the State Fire Marshal.

30 (d) The Department of Housing and Community Development
31 and each state entity specified in subdivision (c) shall also consult
32 with representatives from each of the following:

33 (1) The building design and construction industry.

34 (2) Recognized environmental and housing consumer advocacy
35 groups.

36 (3) Interested local government entities.

37 (4) Interested public parties.

38 (e) Each state entity specified in subdivision (c) shall take the
39 lead in developing recommendations for green building standards
40 related to its particular area of expertise and may also review and

comment on proposed recommendations from other state entities in order to ensure consistency with the missions, standards, and regulations of its own entity. After the Department of Housing and Community Development coordinates and considers the separate green building standards recommended by the other state entities, the Department of Housing and Community Development shall develop a set of residential green building standards and propose those green building standards to the commission.

(f) In developing and adopting green building standards pursuant to this chapter, all entities involved shall consider those aspects of existing relevant guidelines that maximize the measures and methods identified in subdivision (b). The Department of Housing and Community Development, in consultation with the commission, shall request the appropriate state entities listed in subdivision (c) to identify the relevant green building guidelines that further the purposes of this chapter, which shall include, but not be limited to, all of the following as long as they are in effect:

(1) The United States Green Building Council's Leadership in Energy and Environmental Design (LEED) for Homes rating system.

(2) The Build It Green "New Home Construction Green Building Guidelines."

(3) The EarthCraft House program of Atlanta, Georgia.

(4) The Built Green program of the Seattle Master Builders.

(5) The Model Green Home Building Guidelines of the National Association of Home Builders (NAHB).

(g) To the extent feasible as allowed by existing resources, the Department of Housing and Community Development and the commission may develop educational and technical assistance programs to inform local entities of the benefits of green building, and encourage the use of green building practices for residential occupancies, as well as establish ongoing education and training programs for local code enforcement officials, designers, and builders on the subject of green building standards.

(h) On or before July 1, 2010, the commission shall publish approved green building standards in accordance with Section 18944.60 and, to the extent practicable, shall schedule that publication to coincide with the publication of the California Building Standards Code.

1 (i) The Department of Housing and Community Development
2 shall not propose changes more than once per calendar year, and,
3 to the extent practicable, shall coincide those changes with the
4 review of the California Building Standards Code.

5 (j) Those entities specified in subdivision (c) with expertise
6 related to green building as identified in subdivision (e) may submit
7 to the Department of Housing and Community Development
8 proposed changes to building standards developed pursuant to
9 subdivision (b) of Section 18944.54 and this section, related to
10 their area of expertise. The proposed building standards shall not
11 reduce the environmental benefits ~~or, *environmental* efficiencies,~~
12 ~~or public health protections~~ that would have been achieved by the
13 existing standards ~~unless, pursuant to Section 18931, the~~
14 ~~Department of Housing and Community Development and the~~
15 ~~commission find that the existing standards were infeasible and~~
16 ~~impose unreasonable costs on property owners, homebuyers, or~~
17 ~~tenants.~~ The commission shall consult with appropriate agencies
18 and departments on the proposed changes prior to adoption.

19 (k) The commission may include in an appendix or as a separate
20 green building document or some combination thereof, voluntary
21 building standards or other related documents and materials that
22 are not appropriate for a mandate in the California Building
23 Standards Code.

24 (l) This section does not prohibit, limit, or supersede other green
25 building standards developed pursuant to existing authority.

26 18944.60. The commission shall do all of the following:

27 (a) In accordance with Section 18930, review the proposed
28 green building standards, approve them, or return them to the
29 proposing entities with recommended amendments. When green
30 building standards are returned for amendment, the commission
31 shall inform the proposing entity of the specific reasons for the
32 recommended amendments, citing the criteria required under
33 Section 18930.

34 (b) Codify, including publish, all green building standards
35 adopted and certified by the commission into the applicable parts
36 of California Building Standards Code.

37 (c) Ensure consistency of format in the green building standards.

38 (d) Adopt any procedural regulations necessary to administer
39 this chapter.

1 18944.62. On or before January 1, 2013, the green building
2 standards adopted by the commission pursuant to this chapter shall
3 ensure that California homes constructed under the green building
4 standards in the California Building Standards Code are
5 substantially equivalent to, or exceed, homes constructed using
6 other recognized existing green building guidelines as identified
7 in subdivision (f) of Section 18944.56, that maximize the measures
8 and methods identified in subdivision (b) of Section 18944.56.

9 18944.64. The green building standards referred to in
10 subdivision (b) of Section 18944.60 shall indicate the state entity
11 responsible for the administration of each green building standard
12 and any affected occupancy.

13 18944.66. Each state entity that adopts or proposes green
14 building standards shall comply with Section 18931.5.

15 18944.68. Amendments, additions, and deletions to the green
16 building standards adopted by a city, county, or city and county
17 pursuant to Section 17958.7 or 18941.5, together with all applicable
18 portions of the green building standards document, shall meet the
19 requirements imposed by Section 18941.5.